



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THOMAS LAI
Senior Counsel
E-mail: tlai@law.nyc.gov
Phone: (212) 356-2336
Fax: (212) 356-3509

June 22, 2023


VIA ECF

Honorable P. Kevin Castel
District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Application GRANTED. Time to respond to complaint
is extended to August 15, 2023.

SO ORDERED.

Dated: 08/11/2023


P. Kevin Castel
United States District Judge

Re: *Josue G. Torres v. City of New York et al.*, 23-CV-04258 (PKC)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and attorney for defendant City of New York in the above referenced matter. I write to respectfully request that the Court grant an enlargement of time to August 15, 2023, for it to answer or to otherwise respond to the complaint. The City also respectfully requests that the Court, *sua sponte*, grant, the same enlargement of time to August 15, 2023 for defendants Keechant L. Sewell, Amy J. Litwin, Lauren Silverstein, Christine M McGrath, Denis O'Hanlon, Barry Driscoll, James Wilson, and Elvis Cornea. Plaintiff counsel, Eric Sanders, consents to the instant enlargement request.

As to the procedural history, defendants City of New York, Barry Driscoll, Amy J. Litwin, Christine M McGrath, Keechant L. Sewell, and Lauren Silverstein were served on June 1, 2023 and their responses to the complaint are due on June 22, 2023. *ECF Nos. 6, 8, 9, 10, 11, 23*. Defendants Elvis Cornea, James Wilson, and Denis O'Hanlon were served on June 6, 2023 and their responses to the complaint are due on June 27, 2023. *ECF Nos. 7, 13, 14*.

There are several reasons for seeking an extension of time in this matter. First, in accordance with this Office's obligations under Rule 11 of the Federal Rules of Civil Procedure, this Office needs time to investigate the allegations set forth in the Complaint. As such, the requested enlargement of time will allow this Office time to procure and review adequate documents and information to investigate the allegations in the Complaint, such as the underlying police, criminal court, and District Attorney's Office records. In light of plaintiff's allegations, it

appears that the relevant police and criminal prosecution records are sealed pursuant to New York Criminal Procedure Law § 160.50. As a result, this Office is sending plaintiff's counsel a §160.50 release for his client's execution. Once we receive the executed release from plaintiff, this Office will process that release and attempt to procure and thereafter review the relevant documents.

Furthermore, this Office must determine, pursuant to Section 50-k of the New York General Municipal Law and based on a review of the case, whether it will represent the defendants in this action. They must then decide whether they wish to be represented by this Office. If so, this Office must obtain their written authorizations. Only after this process has been followed can this Office determine how to proceed in this case. *See General Municipal Law § 50(k); see also Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985); *see also Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (noting that the decision to bestow legal representation upon individual defendants is made by the Corporation Counsel as set forth in state law).

Therefore, the City and defendants Keechant L. Sewell, Amy J. Litwin, Lauren Silverstein, Christine M McGrath, Denis O'Hanlon, Barry Driscoll, James Wilson, and Elvis Cornea respectfully request an enlargement of time until August 15, 2023 to respond to the complaint.

Respectfully submitted,

Thomas Lai s/

Thomas Lai

Senior Counsel

Special Federal Litigation Division

To: **VIA ECF**
Eric Sanders
Attorney for Plaintiff